



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

December 18, 2018

49 December 18, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**WATER RESOURCES CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT FOR THE
TUJUNGA SPREADING GROUNDS INTAKE IMPROVEMENT PROJECT
PROJECT ID NO. FCC0001258
IN THE CITY OF LOS ANGELES
AND
FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT AND
LOS ANGELES DEPARTMENT OF WATER AND POWER FOR
THE TUJUNGA SPREADING GROUNDS ENHANCEMENT PROJECT
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to authorize the Los Angeles County Flood Control District to advertise and execute a construction contract for the Tujunga Spreading Grounds Intake Improvement Project in the City of Los Angeles and to amend the Memorandum of Agreement with the Los Angeles Department of Water and Power for the Tujunga Spreading Grounds Enhancement Project to extend the expiration date of the agreement from July 18, 2019, to December 31, 2023, and add provisions for the Los Angeles County Flood Control District to construct and fund the Project's intake improvements.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Acting as a responsible agency for the Tujunga Spreading Grounds Intake Improvement Project,

BIDS: January 24, 2019 @ 11:00 a.m.

determine that the recommended actions are within the scope of the impacts analyzed in the Final Environmental Impact Report for the Tujunga Spreading Grounds Enhancement Project previously certified by the City of Los Angeles as lead agency.

2. Approve the Tujunga Spreading Grounds Intake Improvement Project and adopt the plans and specifications that are on file in the Los Angeles County Public Works' Construction Division for the Tujunga Spreading Grounds Intake Improvement Project, at an estimated construction contract cost between \$3,900,000 and \$5,200,000.
3. Instruct the Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement, and which are to be received before 11 a.m. on January 24, 2019, in accordance with the Notice Inviting Bids.
4. Find pursuant to State Public Contract Code Section 3400(b) that it is necessary to specify specific brand names in order to match other products in use on Los Angeles County Flood Control District-maintained facilities either completed or in the course of completion and to obtain necessary items that are only available from one source.
5. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to award and execute a construction contract for the Tujunga Spreading Grounds Intake Improvement Project with the responsible contractor with the lowest responsive bid within the estimated cost range of \$3,900,000 and \$5,200,000.
7. Delegate the following authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq. and 5100 et seq., respectively; (3) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (4) accept the Project upon its final completion; and (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.
8. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to execute an amendment to the Memorandum of Agreement with the Los Angeles Department of Water and Power for the Tujunga Spreading Grounds Enhancement Project to extend the expiration date of the agreement from July 18, 2019, to December 31, 2023; and to add provisions to the agreement for the Los Angeles County Flood Control District to fund the costs of constructing the Project's intake improvements up to \$6,310,000.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to authorize the Los Angeles County Flood Control District (District) to implement the necessary activities for the Tujunga Spreading Grounds

Enhancement Project (Project), including construction of the Tujunga Spreading Grounds Intake Improvements (Intake Improvements).

On July 16, 2013, the Board approved the Project and authorized the Chief Engineer of the District to enter into a Memorandum of Agreement (MOA) with the Los Angeles Department of Water and Power (LADWP) for design, construction, and funding of the Project.

The Project will improve local water supply by increasing the facility's recharge capacity and efficiency by deepening the existing spreading basins (the Basin Improvements); and installing two additional diversion structures and control systems (the Intake Improvements). The Project will also provide landscaping and recreational enhancements within the Tujunga Spreading Grounds (Landscaping Improvements).

On August 4, 2015, the Board approved, advertised, and awarded a construction contract for the Project's Basin Improvements, which is currently 90 percent complete.

Under the terms of the MOA, LADWP was to fund the Project cost, which was estimated at \$27,245,000 at the time the MOA was executed. However, the estimated Project cost has since increased to account for actual costs associated with unforeseen conditions and additional work incurred to date. The current Project cost estimate is now \$50,400,000, which includes the Intake Improvements, with an estimated cost of \$6,310,000. With the amended MOA, LADWP will fund their increased estimated share from \$27,425,000 to \$44,090,000.

The Project benefits will not be realized with completion of the Project's Basin Improvements alone. To help ensure the regional water conservation benefits of this Project are achieved, the District proposes to construct the Intake Project and fund up to \$6,310,000 of the cost.

Approval of the recommended actions will allow the District to proceed with constructing the Project's Intake Improvements and amend the MOA between the District and LADWP for the Project to: (1) extend the expiration date of the agreement from July 18, 2019, to December 31, 2023, to accommodate completion of the Intake Improvements and Landscaping Improvements; and (2) provide for funding by the District of up to \$6,310,000 for constructing the Project's Intake Improvements.

Once the Basin Improvements, Intake Improvements, and Landscaping Improvements are complete, an additional 8,000 acre-feet of stormwater per year, on average (enough water to meet the needs of approximately 64,000 people annually) will be captured and recharged through the improved Tujunga Spreading Grounds.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy II.3, Make Environmental Sustainability our Daily Reality and Objective II.3.1, Improve Water Quality, Reduce Water Consumption, and Increase Water Supplies, and Objective II.3.3, Address the Serious Threat of Global Climate Change; and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability and Objective III.3.2, Manage and Maximize County Assets. The recommended actions support ongoing efforts to enhance groundwater recharge to increase local water supplies and address the threat of climate change as well as manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete the Intake Improvements is in the range of \$3,900,000 to \$5,200,000. The total Project cost to be paid by the District is estimated not to exceed \$6,310,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, environmental compliance, and other County services.

Funding for this Project is included in the Flood Fund Fiscal Year 2018-19 Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Intake Improvements Project will be advertised in accordance with Section 20991 of the State Public Contract Code.

The State Public Contract Code Section 3400 allows a product to be designated by specific brand name (Enclosure A) for several purposes, including in order to match other products in use on a particular public improvement either completed or in the course of completion and to obtain necessary items that are only available from one source, if the awarding authority makes a finding and language is included in the Notice Inviting Bids. The Notice Inviting Bids includes language describing this finding.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

The recommended MOA amendment will be substantially similar to Enclosure B and will be approved as to form by County Counsel prior to execution by the District and LADWP.

ENVIRONMENTAL DOCUMENTATION

On June 4, 2013, the City of Los Angeles certified a Final EIR for the Project. The City of Los Angeles found that short-term air quality impacts related to project construction would be significant and unavoidable and adopted Environmental Findings of Fact (FOF) and a Statement of Overriding Consideration (SOC).

On July 16, 2013, acting as a responsible agency under the California Environmental Quality Act (CEQA), the Board, on behalf of the District, considered the Final EIR, adopted a Mitigation, Monitoring and Report Program (MMRP), FOF, and SOC when it approved the Project.

The recommended actions to approve the Intake Improvements Project, adopt the plans and

specifications and award a construction contract for the Intake Improvements Project, and to authorize execution of an amendment to the MOA are within the scope of the impacts analyzed in the Project Final EIR. There are no changes to the Project or to the circumstances under which the Project is undertaken that require further environmental review, including recirculation under Section 15162 of CEQA. The previously adopted MMRP, FOF, and SOC will continue to apply.

The documents and other materials constituting the record of the proceedings upon which the Board's decision is based are available at 900 South Fremont Avenue, Alhambra, CA 91803, 11th Floor. The custodian of such documents and materials is Stormwater Planning Division, Coastal Watersheds Section. The previously certified Final EIR is also accessible at <https://goo.gl/ZCCnEm>. The previously adopted MMRP, FOF, and SOC are included in Enclosure C.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152 of the California Public Resources Code.

CONTRACTING PROCESS

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy, the contract documents will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by local residents and at least 10 percent be performed by targeted workers facing employment barriers.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this Project will be listed on both the County's "Doing Business with the County" and "Public Works' Business Opportunities" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://dpw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises in compliance with Los Angeles County Code, Chapter 2.204.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the Project is completed, it will have a positive impact by providing increased groundwater recharge and improved operations at the Tujunga Spreading Grounds.

CONCLUSION

Please return an adopted copy of this letter to Public Works, Stormwater Planning Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" written in a larger, more prominent script than the last name "Pestrella".

MARK PESTRELLA

Director

MP:KL:yg

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Lauren Dods, Mark Yanai)
Executive Office
Internal Services Department (Countywide
Contract Compliance)

ENCLOSURE A

LIST OF SPECIFIC BRAND NAMES IN ACCORDANCE WITH STATE PUBLIC CONTRACT CODE SECTION 3400

| | Item/Category | Manufacturer | Model | Purpose |
|----|--|---------------------|---|--|
| 1 | Non-contact Doppler Radar Velocity Meter | HACH | Flo-Dar with Surcharge Velocity Sensor 4000-930 | (Purpose Item #2) In order to match other products in use on Los Angeles County Flood Control District-maintained (LACFCD) facilities either completed or in the course of completion. |
| 2 | Flow Measurement Data Logger | HACH | FL1500 Series | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 3 | Electric Motor Operator | FLOWSERVE | Limatorque MX Series | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 4 | Water Level Sensor | Ametek | Model 575 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 5 | Programmable Logic Controller (PLC) CPU | Siemens | S7-1200, CPU 1214C DC/DC/DC | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 6 | Programmable Logic Controller (PLC) Discrete Input/Output Module | Siemens | S7-1200, SM1223 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 7 | Programmable Logic Controller (PLC) Discrete Input Module | Siemens | S7-1200, SM1221 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 8 | Programmable Logic Controller (PLC) Discrete Output Module | Siemens | S7-1200, SM1222 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 9 | Programmable Logic Controller (PLC) Analog Input Module | Siemens | S7-1200, SM1231 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 10 | Programmable Logic Controller (PLC) Analog Output Module | Siemens | S7-1200, SM1232 | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 11 | Programmable Operator Interface | Siemens | SIMATIC HMI KTP700 Basic | (Purpose Item #2) In order to match other products in use on LACFCD- |

| | Item/Category | Manufacturer | Model | Purpose |
|----|---------------------------------------|---------------------|--------------------|--|
| | | | | maintained facilities either completed or in the course of completion. |
| 12 | SCADA Software Application | Siemens | WinCC | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 13 | PLC Programming Software | Siemens | TIA Portal | (Purpose Item #2) In order to match other products in use on LACFCD-maintained facilities either completed or in the course of completion. |
| 14 | Round Tapered Steel Pole | Hubbell | RTS-4121-PO | (Purpose Item #1) Where providing area lighting is required; and (Purpose Item #3) In order to obtain a necessary item that is only available from one source. |
| 15 | Pole-Mounted Luminaire with Photocell | Hubbell | SQS-0100S-2W8-A1-L | (Purpose Item #1) Where providing area lighting is required; and (Purpose Item #3) In order to obtain a necessary item that is only available from one source. |
| 16 | Fluorescent Fixture | Hubbell | EWL042R-SPDR-E1 | (Purpose Item #1) Where providing indoor lighting is required; and (Purpose Item #3) In order to obtain a necessary item that is only available from one source. |

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT BETWEEN
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND
THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER
FOR CONSTRUCTION OF THE
TUJUNGA SPREADING GROUNDS ENHANCEMENT PROJECT**

A G R E E M E N T

THIS FIRST AMENDMENT to the subject agreement is made and entered into by and between the Los Angeles County Flood Control District, a body corporate and politic (hereinafter referred to as DISTRICT), and the City of Los Angeles Department of Water and Power (hereinafter referred to as LADWP), collectively referred to as PARTIES.

W I T N E S S E T H

WHEREAS, the DISTRICT owns the Tujunga Wash, a flood control channel located in the City of Los Angeles, and LADWP owns the Tujunga Spreading Grounds, a water conservation facility located adjacent to a portion of the Tujunga Wash; and

WHEREAS, the County of Los Angeles, on behalf of the DISTRICT, and LADWP entered into Agreement No. 10400, on March 20, 1990, related to the diversion of stormwater from the Tujunga Wash to the Tujunga Spreading Grounds for groundwater recharge, and the respective roles and responsibilities of the DISTRICT and LADWP in regard to the ownership, operation, and maintenance of the Tujunga Spreading Grounds and diversion facilities; and

WHEREAS, Agreement No. 10400 provides, among other things, that LADWP shall own and be responsible for the maintenance of the diversion facilities at the Tujunga Spreading Grounds and that the DISTRICT shall be responsible for the operation of those facilities; and

WHEREAS, the DISTRICT and LADWP entered into a Memorandum of Agreement for the construction of the Tujunga Spreading Grounds Enhancement Project (herein referred to as AGREEMENT) on July 18, 2013; and

WHEREAS, the AGREEMENT provides for the DISTRICT to construct the Tujunga Spreading Grounds Enhancement Project (herein referred to as PROJECT) and for LADWP to finance 100 percent of the PROJECT costs; and

WHEREAS, the PROJECT consists of: (1) the excavation of sediment from the Tujunga Spreading Grounds and transportation of the sediment via a conveyor belt system to Boulevard Pit, completion of mechanical and electrical work including construction of an intake weir structure with automated slide gates, installation of electrical conduits, and the performance of other appurtenant work, hereinafter referred to as BASIN IMPROVEMENTS; (2) the construction of rubber dams, intake gates, control

houses, and telemetry upgrades, hereinafter referred to as INTAKE IMPROVEMENTS; and (3) the installation of landscaping and irrigation, fencing, walking paths, signage, recreational and low impact development features, hereinafter referred to as LANDSCAPING IMPROVEMENTS; and

WHEREAS, a portion of the INTAKE IMPROVEMENTS are located in the Tujunga Wash; and

WHEREAS, when completed, the INTAKE IMPROVEMENTS will divert stormwater from the Tujunga Wash to the Tujunga Spreading Grounds for groundwater recharge in larger quantities than is possible with the existing diversion facilities; and

WHEREAS, at the time the AGREEMENT was prepared, the cost of construction of the PROJECT was estimated to be up to \$22,220,000, and the cost to complete the PROJECT was estimated to total \$27,245,000; and

WHEREAS, the PROJECT'S construction contract cost estimate and the estimated cost to complete the PROJECT have been updated due to actual costs incurred to date and current estimates by the DISTRICT based on the final design plans and are now \$38,210,000 and \$50,400,000 respectively, and more specifically itemized in Exhibit 1; and

WHEREAS, pursuant to Section (3)a of the AGREEMENT, the AGREEMENT is currently set to expire on July 18, 2019, and the work described in Section (1) of the AGREEMENT cannot be completed by this date; and

NOW, THEREFORE, LADWP and the DISTRICT hereby agree to amend the AGREEMENT as follows:

1. Intake Improvements:

- a. The DISTRICT shall fund the costs of the construction contract and construction management for the INTAKE IMPROVEMENTS currently estimated at \$6,310,000. LADWP shall fund any costs overages of the construction contract in excess of \$5,440,000. The DISTRICT shall fund any cost overages of the construction management in excess of \$870,000.
- b. Upon completion of construction, LADWP shall own the INTAKE IMPROVEMENTS.
- c. LADWP shall maintain the INTAKE IMPROVEMENTS in accordance with Section 7 of Agreement No. 10400. Prior to initiating any maintenance activities in the Tujunga Wash, LADWP shall apply for and obtain a permit from the DISTRICT authorizing such activities.
- d. The DISTRICT shall operate the INTAKE IMPROVEMENTS in accordance with Section 6 of Agreement No. 10400.

2. Amended Cost Estimate

The estimated costs for the scope of work of the AGREEMENT as amended by this FIRST AMENDMENT is described in the attached Exhibit 1.

3. Payment

LADWP agrees that upon execution of this FIRST AMENDMENT, LADWP will deposit with the DISTRICT the amount of Sixteen Million Eight Hundred Forty-Five Thousand Dollars (\$16,845,000), to be applied toward the estimated reimbursement amount to the DISTRICT for the PROJECT.

4. Expiration Date

This AGREEMENT shall expire by its own operation on December 31, 2023 (Expiration Date), unless extended or sooner terminated by mutual written agreement by both PARTIES. All work within the scope of this AGREEMENT, as amended by this FIRST AMENDMENT, shall be completed by the Expiration Date.

5. DISTRICT Representative to Receive Notice

DISTRICT: Mr. Keith Lilley
Principal Engineer
County of Los Angeles Public Works
P.O. Box 1460
Alhambra, California 91802-1460
Fax: (626) 458-4300

6. Except as herein amended or where inconsistent with any of the provisions of this FIRST AMENDMENT, the terms and conditions of the AGREEMENT shall remain in full force and effect.

7. This FIRST AMENDMENT may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

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IN WITNESS WHEREOF, each party hereto has caused this FIRST AMENDMENT to the AGREEMENT for the construction of the Tujunga Spreading Grounds Enhancement Project to be executed by their respective officers, duly authorized, on the respective dates indicated below.

LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT,
a body corporate and politic

By _____
Chief Engineer

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By _____
Deputy

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS
OF THE CITY OF LOS ANGELES

By _____
DAVID H. WRIGHT
General Manager

Date _____

And _____
BARBARA E. MOSCHOS
Secretary

EXHIBIT 1

ESTIMATED COST TO COMPLETE THE PROJECT

| Task | | Estimated Cost | |
|---|--|-----------------------|------------|
| Phase I — Basin Improvements | Supplemental Design | \$640,000 | (1) |
| | Contract Cost — Basin Improvements | \$23,960,000 | |
| | Vulcan | \$3,500,000 | |
| | Contingency (20 percent on remaining work) | \$1,500,000 | |
| | Construction Management (~18.6 percent) | \$4,450,000 | |
| | Subtotal | \$34,050,000 | (2) |
| Phase II — Intake & Landscaping Improvements | Supplemental Design - Intake Improvements | \$760,000 | (1) (2) |
| | Contract Cost — Intake Improvements | \$4,350,000 | |
| | Contingency - Intake Improvements (25 percent) | \$1,090,000 | |
| | Construction Management - Intake Improvements (20 percent) | \$870,000 | |
| | Intake Improvements Subtotal (Contract, Contingency, & Construction Management) | \$6,310,000 | (3) |
| | Supplemental Design - Landscape Improvements | \$50,000 | |
| | Contract Cost — Recreational Civil Work | \$2,900,000 | (4) |
| | Contract Cost — Fencing and Gates | | |
| | Contract Cost — Landscaping | \$3,500,000 | |
| | Contingency - Landscaping Improvements (20.3 percent) | \$1,300,000 | |
| | Construction Management - Landscaping Improvements (20 percent) | \$1,280,000 | |
| | Landscape Maintenance | \$250,000 | |
| | Landscape Improvements Subtotal (Supplemental Design, Contract, Contingency, Construction Management, & Maintenance) | \$9,280,000 | |
| | Subtotal | \$16,350,000 | |
| Total | \$50,400,000 | | |

Notes:

- (1) Total Supplemental Design Budget for the Basin Improvements and Intake Improvements equals \$1,400,000.
- (2) Cost of Basin Improvements and design of Intake Improvements = \$34,050,000 + 760,000 = \$34,810,000.
- (3) District's \$6,310,000 contribution for the Intake Improvements (construction contract, contingency, and construction management).
- (4) Per 2/5/18 estimate by LADWP's Consultant.

Mitigation Monitoring and Reporting Program

for the

Tujunga Spreading Grounds Enhancement Project

Los Angeles  Department of Water and Power

Environmental Affairs
111 North Hope Street, Room 1044
Los Angeles, CA 90012

April 2013

MITIGATION MONITORING AND REPORTING PROGRAM

Tujunga Spreading Grounds Enhancement Project Final Environmental Impact Report SCH# 2012021028

Introduction

The Tujunga Spreading Grounds (TSG) are owned by the City of Los Angeles Department of Water and Power (LADWP, Department) and have been operated by the Los Angeles County Flood Control District (Flood Control District) since 1990. LADWP is planning to implement the Tujunga Spreading Grounds Enhancement Project (TSG Project) as designed by the Flood Control District. The proposed enhancement project for TSG will increase the facility's storage and recharge capacity by altering intake facilities and by deepening and/or combining spreading basins. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to ensure implementation of the mitigation measures outlined in the Final Environmental Impact Report for the TSG Project (State Clearinghouse No. 2012021028). The MMRP has been prepared by LADWP, the lead agency for the TSG Project under the California Environmental Quality Act (CEQA), in conformance with Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097. Adoption of a MMRP is required for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects.

Project Description Summary

The proposed enhancement project for the TSG will alter the current intake facility to capture low flows; create a treatment area for the low flows; install two new intake facilities to capture high flows from the Tujunga Wash and Pacoima Wash Diversion Channels; install devices to prevent widespread distribution of trash within the TSG; reactivate, deepen and/or combine basins to increase the facility's storage and recharge capacity; install new inter-basin flow controls; and install telemetry on new diversion facilities. The objective of the TSG Project is to increase stormwater recharge into the San Fernando Groundwater Basin through enhancement and operation of the TSG facility.

Mitigation Monitoring and Reporting Responsibility

Los Angeles County has designed the project and will manage construction. Therefore, the County shall have primary responsibility for administrating the MMRP activities to staff, consultants, or contractors. LADWP Environmental Affairs will provide review of plans developed as part of mitigation activity (e.g., noise and traffic) and compliance oversight. The County has the responsibility of ensuring that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The County's designated environmental monitor will track and document compliance with mitigation

measures, note any problems that may result, and take appropriate action to remedy problems. Specific responsibilities of the County include:

- Coordination of all mitigation monitoring activities
- Management of the preparation, approval, and filing of monitoring or permit compliance reports
- Maintenance of records concerning the status of all approved mitigation measures
- Coordination with other agencies

Specific responsibilities of LADWP include:

- Provision of a qualified archaeologist for Cultural Resources Awareness Training
- Review of the Noise Control Plan
- Review of the Construction Traffic Management Plan
- Review of the Traffic Control Plan

Resolution of Noncompliance Complaints

LADWP will act as the contact for interested parties who wish to register comments or complaints. Any person or agency may file a complaint that states noncompliance with the mitigation measures that were adopted as part of the approval process for the TSG Enhancement Project. The complaint shall be directed to the LADWP (111 N. Hope Street, Room 1044, Los Angeles, CA 90012) in written form, providing detailed information on the purported violation. LADWP shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure is verified, LADWP shall take the necessary action(s) to remedy the violation. The complaint shall receive written confirmation indicating the results of the investigation or the final corrective action that was implemented to respond to the specific noncompliance issue.

Mitigation Monitoring and Reporting Plan Matrix

The MMRP is organized in a matrix format and includes: mitigation measure by number, text of the mitigation measures, time frame for monitoring, agency responsible, and space to indicate verification the measures were implemented. This last column will be used to document the person who verified the implementation of the mitigation measure, the date on which this verification occurred, and any other notable remarks.

MITIGATION MONITORING AND REPORTING PROGRAM

SCH # 2012021028

Tujunga Spreading Grounds Enhancement Project Final Environmental Impact Report

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
|-------|---|---|-------------------------------|---|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| AIR-1 | Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment. | Soil Conveyor System to Boulevard Pit – The majority of soils excavated as part of project construction shall be transported off-site via an electric-powered conveyor system to Boulevard Pit near the intersection of Laurel Canyon Boulevard and Tujunga Wash Channel. The conveyor shall be installed aboveground across the Tujunga Spreading Grounds and underground in existing culverts and pipes across Arleta Avenue, State Route 170, and Interstate 5, and across the top of Tujunga Wash Channel. The conveyor shall be installed in a new underground pipe under Laurel Canyon Boulevard from Tujunga Spreading Grounds to Vulcan Materials Company Boulevard Pit. | During construction | Los Angeles County Construction Manager | | | |
| AIR-2 | | Equipment Maintenance – All equipment shall be properly tuned and maintained in accordance with manufacturer's specifications. | During construction | Los Angeles County Construction Manager to maintain tune-up log | | | |
| AIR-3 | | On-Road Truck Efficiency – Material delivery trucks and soil haul trucks shall meet EPA 2007 model year NOx emissions requirements. | During construction | Los Angeles County Construction Manager | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
|-------|---|--|-------------------------------|---|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| AIR-4 | Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment. | <p>Off-Road Equipment Efficiency - All on-site construction equipment shall meet EPA Tier 3 or higher emissions standards according to the following:</p> <p>Project start, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the Construction Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>The Construction Contractor shall supply a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit at the time of mobilization of each applicable unit of equipment.</p> <p>LADWP and/or Los Angeles County shall encourage the Construction Contractor to apply for SCAQMD "SOON" funds.</p> | During construction | Los Angeles County Construction Manager | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
|---------------|---|--|--|---|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| AIR-5 | Installation of project facilities will result in emissions of air pollutants from construction vehicles and equipment. | Equipment Operation – The contractor shall maintain and operate construction equipment to minimize exhaust emissions. | During construction | Los Angeles County Construction Manager | | | |
| AIR-6 | | Truck Idling – During construction, truck idling shall be limited to 5 minutes, on- and off-site, as feasible. | During construction | Los Angeles County Construction Manager | | | |
| AIR-7 | Construction vehicles that carry soil to off-site roadways will result in dust emissions. | Street Sweepers – During construction, street sweepers that comply with SCAQMD Rules 1186 and 1186.1 shall be used. Streets shall be swept at the end of the day if visible soil is carried onto adjacent public paved roads. | At the end of each day of construction if visible soil is carried onto adjacent roadways | Los Angeles County Construction Manager | | | |
| AIR-8 | Generator use during project construction will result in emissions of air pollutants. | Generator Use – To the extent possible, power will be obtained from power poles (the electrical grid) rather than the use of temporary diesel or gasoline power generators. | During construction | Los Angeles County Construction Manager | | | |
| AIR-9 | Vehicle travel on unpaved roads during construction will result in dust emissions. | Traffic Speed Control – During construction, traffic speeds on unpaved roads shall be reduced to 15 mph or less. | During construction | Los Angeles County Construction Manager | | | |
| AIR-10 | Installation of project facilities will result in emissions of air pollutants from construction equipment. | Catalytic Converters – Catalytic converters shall be installed on all heavy construction equipment, where feasible. | During construction | Los Angeles County Construction Manager | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
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| | | | | | Initials | Date | Remarks |
| AIR-11 | Inactive construction areas without cover will result in dust emissions. | Soil Stabilizers – Non-toxic soil stabilizers shall be applied according to manufacturers' specifications to inactive construction areas. Inactive construction areas are defined as previously graded areas inactive for 10 days or more. | During construction | Los Angeles County Construction Manager | | | |
| AIR-12 | High wind events will result in dust emissions from construction areas. | Construction during High Winds – A High Wind Fugitive Dust Control Plan shall be prepared and implemented when wind speeds exceed 25 mph. The Plan shall detail measures to limit excavating and grading operations when wind speeds exceed 25 mph. | Plan to be prepared prior to the start of construction Plan to be implemented during construction | Los Angeles County Construction Manager | | | |
| AIR-13 | Vehicle travel on unpaved parking and staging areas, and unpaved roads, will result in dust emissions. | Dust Control – Non-toxic soil stabilizers shall be applied according to manufacturers' specifications, or water shall be applied, to all unpaved parking or staging areas or unpaved road surfaces as needed and as directed by the Construction Manager to prevent visible dust to comply with Rule 403 for large operations. | During construction | Los Angeles County Construction Manager | | | |
| AIR-14 | Construction vehicles that carry soil to off-site roadways will result in dust emissions. | Vehicle Dirt Tracking – Wheel washers or other approved stabilized construction ingress and egress devices shall be installed where trucks exit the construction site onto paved roads or equipment shall be washed-off leaving the site each trip. | During construction | Los Angeles County Construction Manager | | | |
| AIR-15 | Inactive construction areas without cover will result in dust emissions. | Ground Cover – Ground cover shall be replaced in disturbed areas suitable for vegetation as quickly as possible. | During construction | Los Angeles County Construction Manager | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
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| | | | | | Initials | Date | Remarks |
| AIR-16 | Uncovered hauling trucks will result in dust emissions. | Truck Covers – All trucks hauling dirt, sand, soil, or other loose materials shall be covered. | During construction | Los Angeles County Construction Manager | | | |
| CR-1 | Installation of project facilities could result in disturbance of unknown cultural resources. | Cultural Resources Awareness Training – Construction personnel and staff shall be given training by a qualified archaeologist on the identification of possible archaeological and paleontological resources that may be present in the area. In the event potential archaeological or paleontological resources are encountered during excavation, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified archaeologist/ paleontologist in accordance with the provisions of CEQA Section 15064.5. | Prior to the start of construction | LADWP to arrange for qualified archeologist Los Angeles County Construction Manager to schedule training (List of trained employees to be provided to LADWP) | | | |
| CR-2 | Installation of project facilities could result in disturbance of unknown human remains. | Reporting for Discovery of Human Remains – If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. | During construction | Los Angeles County Construction Manager (Los Angeles County Coroner to be contacted if human remains discovered) | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
|-----|---|---|---|--|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| N-1 | Construction equipment and vehicles for the installation of project facilities could generate noise in excess of established thresholds at adjacent residences. | <p>Construction Hours - Construction shall be limited to:</p> <ul style="list-style-type: none"> Weekdays: 7:00 AM to 9:00 PM Saturdays: 8:00 AM to 6:00 PM No construction shall occur on Sundays or national holidays. | During construction | Los Angeles County Construction Manager | | | |
| N-2 | | <p>Mufflers - Construction equipment, fixed and mobile, shall be equipped with properly operating and maintained noise mufflers and intake silencers, consistent with manufacturers' standards. Each piece of equipment will be individually inspected to ensure proper operation of the muffler and silencer equipment.</p> | During construction | Los Angeles County Construction Manager | | | |
| N-3 | | <p>Noise Control Plan - A Noise Control Plan shall be prepared prior to the start of construction, and implemented during the entire construction period. The Plan shall:</p> <ul style="list-style-type: none"> Predict noise levels during construction activity based on the specific construction equipment to be used at the site. If equipment noise levels are not available, these shall be measured in the field. Identify areas of the construction site where noise control is required to meet noise ordinance standards. For these areas, identify the additional measures, which may include: specialized mufflers or silencers, directional exhaust pipes, damping and sound absorptive material, and/or acoustical barriers. Where relevant, the size, number and location of portable acoustical barriers and/or noise control curtains to be used during construction will be detailed. The height and length of the barriers shall be determined based on the location of the construction activity, specific | <p>Plan to be prepared prior to the start of construction</p> <p>Plan to be implemented during construction</p> | Los Angeles County Construction Manager (LADWP to review Noise Control Plan) | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
|------|---|--|------------------------------------|--|----------------------------|------|---------|
| | | | | | Initials | Date | Remarks |
| TR-1 | Hauling of soil loads unsuitable for transport via conveyor will increase traffic on area roadways. | <p>construction equipment to be used (type and number) and distance to the receptors.</p> <ul style="list-style-type: none"> Predict noise levels during construction activity with use of specialized mufflers or silencers, directional exhaust pipes, damping and sound absorptive material, and/or acoustical barriers, as relevant. Document the reduction in construction noise via monitoring. Noise monitoring shall be conducted a minimum of 1 day per week when construction is within 400 feet of a residence. <p>Construction Traffic Management Plan - A construction traffic management plan shall be prepared and submitted to LADOT for review and approval prior to the start of construction activity. This plan may designate haul routes for construction-related trucks, the location of access to the construction site, and temporary traffic control devices or flagmen, as relevant.</p> | Prior to the start of construction | Los Angeles County Construction Manager (LADWP and LADOT to review Construction Traffic Management Plan) | | | |

| No. | Impact | Mitigation Measure | Time Frame for Implementation | Responsible Monitoring Agency (Reviews) | Verification of Compliance | | |
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| Where construction activities would occur within a public street right-of-way around the project site, mitigation measures TR-2 through TR-5 shall also be implemented: | | | | | | | |
| TR-2 | Installation of project facilities will require temporary lane or road closures. | Traffic Control Plan – A site-specific construction traffic control plan shall be prepared and submitted to LADOT for review and approval prior to the start of any construction work. This plan may include the location of lane closures (if any), restricted hours during which lane closures (if any) would not be allowed, local traffic detours (if any), protective devices and traffic controls (such as barricades, cones, flagmen, lights, warning beacons, temporary traffic signals, warning signs) (as relevant), access limitations for abutting properties (if any), and provisions to maintain emergency access through construction work areas (as relevant). | Plan to be prepared prior to work in public street right-of-ways Plan to be implemented during work in public street right-of-ways | Los Angeles County Construction Manager (LADWP and LADOT to review Traffic Control Plan) | | | |
| TR-3 | | Signage – Signage shall be provided indicating alternative pedestrian and bicycle access routes, if necessary where existing facilities would be affected. This would include the sidewalks and pedestrian pathways around the perimeter of the project site. | prior to lane or road closures | Los Angeles County Construction Manager | | | |
| TR-4 | Installation of project facilities will require temporary lane or road closures. | Advanced Notice – Advance notice shall be provided of planned construction activities to residents, businesses and property owners immediately adjacent to the construction site. | No less than 14 days prior to the start of construction | LADWP Project Management Office | | | |
| TR-5 | | Emergency Access Coordination – Coordination shall be conducted with emergency service providers (police, fire, ambulance and paramedic services) to provide advance notice of ongoing construction activity and construction hours. | No less than 14 days prior to the start of construction | Los Angeles County Construction Manager | | | |

Los Angeles, California, June 4, 2013

MINUTES OF REGULAR MEETING OF THE BOARD OF
WATER AND POWER COMMISSIONERS OF THE CITY OF LOS ANGELES
HELD IN ROOM 1555-H
JUNE 4, 2013
1:54 P.M.

Meeting called to order by President Thomas Sayles and roll called:

Present – Commissioners: President Sayles
 Eric Holoman
 Richard Moss
 Christina E. Noonan

Absent – Jonathan Parfrey

A quorum present.

IN ATTENDANCE were the following:

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| Ronald O. Nichols, | General Manager |
| Kelli Bernard, | Director of Economic Development, General Manager's Office |
| Joseph Brajevich, | Assistant General Counsel, Water and Power, City Attorney's Office |
| Bassam Abou-Chakra, | Electrical Service Manager, Power System |
| Jorge H. De La Cerda, | Engineering Designer, Water System |
| George Z. Chen, | Rates Manager, Rates & Financial Planning, Financial Services Organization |
| Louis M. Feldmeier, | Supply Services Manager, Supply Chain Services |
| Sharon Grove, | Assistant General Manager – Customer Service, General Manager's Office |
| Charles C. Holloway, | Utility Services Manager, Environment & Efficiency Division |
| John C. Kokoska, | Director of Power Supply Operations, Power System |
| James B. McDaniel, | Senior Assistant General Manager – Water System, Water System |
| Marvin D. Moon, | Director of Power System Engineering, Power System |
| Jeffery L. Peltola, | Director of Financial Planning and Rates, Financial Services Organization |
| Mark J. Sedlacek, | Director of Environment and Efficiency Division, General Manager's Office |
| Michael S. Webster, | Power Engineering Manager, Power System |
| Gary E. Wong, | Assistant General Manager - Systems Support Division |
| Anh T. Wood, | Electrical Engineering Associate, Power System |
| Simon Zewdu, | Electrical Engineer, Supply Chain Services |

Also, in attendance:

| | |
|-----------------------|---|
| Christine Mulholland, | Great-Granddaughter of William Mulholland |
| Harold Eaton, | Grandson of former Mayor Frederick Eaton |
| Frederick Pickel, | Executive Director/Ratepayer Advocate, Office of Public Accountability |

ITEM NO. 1 - Opening remarks were made by the Acting Commission President on agenda and other items relating to Department operations.

WHEREAS, LADWP has the capacity to implement the Project, the City Council and Mayor will authorize the transfer of the previously allocated Community Development Block Grant (CDBG) funds to LADWP; and

WHEREAS, the construction of the LKIC will be managed by LADWP in partnership with the City of Los Angeles Department of Public Works - Bureau of Engineering (DPW-BOE), and the total development cost is \$42,880,000 (inclusive of initial acquisition and subsequent building costs); and

WHEREAS, all funding, including the New Market Tax Credits, CDBG, United States Economic Development Administration Grant and Federal Qualified Energy Conservation Bonds equity investment has been committed and secured; and

WHEREAS, in December 2012, the LADWP Board of Commissioners requested staff to report back on the funding status of the project prior to the Notice To Proceed (NTP) being issued; and

NOW, THEREFORE, BE IT RESOLVED that the Board requests the DPW-BOE issue the NIP to the lowest, most responsive bidder for an amount not to exceed \$31,755,000; and

BE IT FURTHER RESOLVED that the Chief Accounting Employee of the LADWP, upon proper certification, is authorized and directed to draw demands on the Power Revenue, in payment of the obligations arising under said Agreement.

(A Verbal Motion was made by Commissioner Moss, and seconded by Commissioner Holoman be amended, to add: "Request that the Bureau of Engineering look into carving out the Photovoltaic Canopy for implementation, installation and construction by LADWP under the current bid, if feasible to do so.")

Approval moved by Commissioner Moss.

Seconded by Commissioner Holoman and carried by the following vote:

Ayes, Commissioners Holoman, Moss, Noonan, President Sayles;

Noes, None.

Commissioner Holoman moved adoption of the following two resolutions, approved as to form and legality by the City Attorney:

ITEM NO. 27 – Resolution adopting the Tujunga Spreading Grounds Enhancement Project including Environmental Impact Report. Submitted by Director of Environmental Affairs and Senior Assistant General Manager – Water System.

ADOPTED AS AMENDED AT 6/4113 BOARD MEETING. SEE ATTACHED VERBAL MOTION.

RESOLUTION NO. 013 296

WHEREAS, the City of Los Angeles (City) possesses the right to the surface waters of the Los Angeles River and the native groundwater of the San Fernando Groundwater Basin (Basin) in accordance with the California Superior Court's Judgment dated January 26, 1979, in *The City of Los Angeles vs. City of San Fernando, et. al.*, Case No. 650079; and

WHEREAS, local groundwater has historically comprised approximately 12 percent of the City's water supply and is dependent on replenishment from stormwater flows; and

WHEREAS, the Los Angeles Department of Water and Power (LADWP) desires to optimize the use of local water resources, including stormwater and groundwater, to reduce the City's dependence on imported water supplies; and

WHEREAS, LADWP is committed to pursuing opportunities to maximize groundwater recharge to sustain and augment the long-term reliability of the City's groundwater supply in the Basin; and

WHEREAS, pursuant to the Los Angeles County Flood Control Act, the Los Angeles County Flood Control District (District) owns and manages flood control and water conservation facilities in the County of Los Angeles (County), resulting in the captured stormwater flows which are used to replenish groundwater basins in the County, including the Basin; and

WHEREAS, LADWP and the District are committed to pursuing opportunities to enhance water conservation, stormwater capture, and improve water quality; and

WHEREAS, the LADWP owns, and the District operates, the Tujunga Spreading Grounds (TSG) and jointly developed the Tujunga Spreading Grounds Enhancement Project, which were constructed for flood control, stormwater capture, and groundwater recharge in the Basin; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Water and Power Commissioners of the City of Los Angeles (Board) recognizes that a study was made of the environmental effects of the Tujunga Spreading Grounds Enhancement Project (Project), including its construction and operation. This study is embodied in the Environmental Impact Report (EIR) on file with the Secretary of this Board and is incorporated in this Resolution, and made a part hereof.

BE IT FURTHER RESOLVED that this Board makes the following findings and determinations with respect to the proposed project:

The proposed project would enhance TSG to enable an average of an additional 8,000 acre-feet (2.6 billion gallons) of stormwater per year to be captured and recharged.

The proposed project would alter the current intake facility to capture low flows from Tujunga Wash and install a trash rack to improve water quality. Low flows would pass under 1-5 using existing conveyance pipe and would be released into the reactivated basins located southeast of the freeway interchange. These basins would be improved to provide attenuation to allow for settling of larger solids prior to recharging groundwater.

The proposed project would install two new intake facilities to capture high flows from the Tujunga and Pacoima Diversion Washes. Intake No. 1 would be located immediately southwest of the freeway interchange and would divert 250 cubic feet per second (cfs) into the upper portion of the TSG. Intake No. 2 would be located immediately downstream of the confluence of the Tujunga Wash and Pacoima Wash Channels and would divert a maximum of 200 cfs into the lower portion of the TSG. Two inflatable rubber dams (60-foot-wide and 104-foot-wide) would be used to direct Tujunga Wash and Pacoima Wash flows to the spreading basins.

The proposed project would install devices to prevent widespread distribution of trash within the TSG.

The proposed-project would reactivate, deepen and/or combine basins to increase the facility's storage and recharge capacity. The existing basins west of SR-170 would be graded to accept water from either intake system. The dormant, uppermost basins, located between 1-5 and SR-170, would be reactivated, deepened, and able to accept low flows throughout the dry season, and might be able to accept flows during the wet season, depending on operational limitations and available flows. All basins west of SR-170 would be deepened, and some combined, increasing storage and recharge capacity.

The proposed project would replace existing canal and flashboard structures (which connect and allow water to flow between basins) with modernized inter-basin weir structures and by-pass gates. All new diversion facilities would be automated; operation would be managed remotely from LADWP's on-site facility.

The proposed project would fence the TSG facility. Adjacent to freeways, private property, and the Tujunga Wash Channel, chain link fence would be installed. The fence fronting the public right-of-way at basins east of Arleta Avenue would be 8-ft tall tubular steel fence. The fence fronting the public right-of-way at basins west of Arleta Avenue would be split rail fence.

The proposed project could, depending on the availability of space on site, compatibility with the project, and funding opportunities, add recreational enhancements to the facility. Potential compatible uses for the property are walking trails, outdoor classrooms and associated educational activities, and native habitat enhancement.

BE IT FURTHER RESOLVED that this Board makes the following further findings and determinations with respect to the Proposed Project:

LADWP is lead agency under the California Environmental Quality Act (CEQA) and has prepared an (Environmental Impact Report) EIR in compliance with CEQA.

An Initial Study (IS) was prepared and since potentially significant effects were identified in the IS. It was determined that the project should undergo further review through the preparation of an EIR.

A Notice of Preparation (NOP) of an EIR was prepared and made available for public review along with the IS from February 13, 2012, through March 15, 2012. Copies of the IS and/or NOP were sent to the California State Clearinghouse as well as local agencies, organizations, and individuals believed to have an interest in the Proposed Project. The IS and NOP are included as Appendix A of the Draft EIR, which is on file with the Secretary of the Board as Attachment 1 to the Board Letter. Copies of the mailing lists are included as Attachment 2 to the Board Letter.

A Draft EIR and Notice of Availability of a Draft EIR for the Project were prepared and distributed for public review on August 10, 2012. The Notice of Availability of the Draft EIR was filed with the City Clerk and County Clerk on April 10, 2012. Notice was published in the legal section of the Los Angeles Times on August 16, 2012. Copies of the Draft EIR and/or Notice of Availability were sent to the California State Clearinghouse as well as local agencies, organizations, and individuals believed to have an interest in the Proposed Project. The original close of public comment period was October 1, 2012 and the public review period was extended to October 31, 2012. Copies of the notice, mailing lists for the Draft EIR and Proof of Publication of the notice in the Los Angeles Times are on file with the Secretary of the Board as Attachment 3 to the Board Letter.

Thirty-one written comment letters and a petition with 282 signatures were received on the Draft EIR. In addition, a public meeting was held at the LADWP Truesdale Facility in Sun Valley on September 12, 2012 to receive comments on the Draft EIR.

The Final EIR, comprised of the Draft EIR, comments received on the Draft EIR, responses to those comments, and corrections to the Draft EIR, was prepared. None of the changes to the Draft EIR necessitated recirculation of the document. The Final EIR was sent to each agency that submitted comments. It was also made available for public review on the LADWP website and at the libraries that received copies of the Draft EIR. A letter was sent to each person who submitted comments or requested to be on the project mailing list notifying them of the availability and locations of the Final EIR. The Final EIR is on file with the Secretary of the Board as Attachment 4 to the Board Letter, The (Mitigation, Monitoring and Reporting Plan) MMRP is included as Attachment 5 to the Board Letter.

REGULAR MEETING OF COMMISSIONERS (Continued)
 JUNE 4, 2013, 1:54 P.M. Page 18

The Final EIR, now before this Board, identifies the following potentially significant impacts and proposes the following mitigation measures:

| Impacts | Mitigation Measures |
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| <p>Air Quality</p> <p>Construction equipment and soil hauling trucks will temporarily emit air pollutants in excess of established regional standards for ROG, CO, NO_x, and PM_{2.5}. Maximum daily emissions would also be above local significance thresholds for NO_x, PM₁₀, and PM_{2.5}.</p> | <p>AIR-1 Soil Conveyor System to Boulevard Pit - The majority of soils excavated as part of project construction shall be transported off-site via an electric-powered conveyor system to Boulevard Pit near the intersection of Laurel Canyon Boulevard and Tujunga Wash Channel. The conveyor shall be installed aboveground across the Tujunga Spreading Grounds and underground in existing culverts and pipes across Arleta Avenue, State Route 170, and Interstate 5, and across the top of Tujunga Wash Channel. The conveyor shall be installed in a new underground pipe under Laurel Canyon Boulevard from Tujunga Spreading Grounds to Vulcan Materials Company Boulevard Pit.</p> <p>AIR-2 Equipment Maintenance — All equipment shall be properly tuned and maintained, in accordance with manufacturer's specifications.</p> <p>AIR-3 On-Road Truck Efficiency —Material delivery trucks and soil haul trucks shall meet EPA 2007 model year NOx emissions requirements.</p> <p>AIR-4 Off-Road Equipment Efficiency - All on-site construction equipment shall meet EPA Tier 3 or higher emissions standards according to the following:</p> <p>Project start, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the Construction Contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARBS regulations.</p> <p>Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <p>The Construction Contractor shall supply a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit at the time of mobilization of</p> |

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| | <p>each applicable unit of equipment.</p> <p>LADWP and/or Los Angeles County shall encourage the Construction Contractor to apply for SCAQMD "SOON" funds.</p> <p>AIR-5 Equipment Operation — The contractor shall maintain and operate construction equipment to minimize exhaust emissions.</p> <p>AIR-6 Truck Idling — During construction, truck idling shall be limited to 5 minutes, on- and off-site, as feasible.</p> <p>AIR-7 -Street Sweepers — During construction, street sweepers that comply with SCAQMD Rules 1186 and 1186.1 shall be used. Streets shall be swept at the end of the day if visible soil is carried onto adjacent public paved roads.</p> <p>AIR-8 Generator Use — To the extent possible, power will be obtained from power poles (the electrical grid) rather than the use of temporary diesel or gasoline power generators.</p> <p>AIR-9 Traffic Speed Control — During construction, traffic speeds on unpaved roads shall be reduced to 15 mph or less.</p> <p>AIR-10 Catalytic Converters — Catalytic converters shall be installed on all heavy construction equipment, where feasible.</p> |
| Impacts | Mitigation Measures |
| | <p>AIR-11 Soil Stabilizers — Non-toxic soil stabilizers shall be applied according to manufacturers' specifications to inactive construction areas. Inactive construction areas are defined as previously graded areas inactive for 10 days or more.</p> <p>AIR-12 Construction during High Winds— A High Wind Fugitive Dust Control Plan shall be prepared and implemented when wind speeds exceed 25 mph. The Plan shall detail measures to limit excavating and grading operations when wind speeds exceed 25 mph.</p> <p>AIR-13 Dust Control — Non-toxic soil stabilizers shall be applied according to manufacturers' specifications, or water shall be applied, to all unpaved parking or staging areas or unpaved road surfaces as needed and as directed by the Construction Manager to prevent visible dust to comply with Rule 403 for large operations.</p> <p>AIR-14 Vehicle Dirt Tracking — Wheel washers or other approved stabilized construction ingress and egress devices shall be installed where trucks exit the construction site onto paved roads or equipment shall be washed-off leaving the site each trip.</p> <p>AIR-15 -Ground Cover—Ground cover shall be replaced in disturbed areas suitable for vegetation as quickly as possible.</p> <p>AIR-16 Truck Covers — All trucks hauling dirt, sand, soil, or other loose materials shall be</p> |

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| | covered. |
| Cultural and Paleontological Resources | |
| No historic, archeological, or paleontological resources are known for the project site. Limited potential for disturbance of unknown cultural resources during basin excavation. | <p>CR-1 Cultural Resources Awareness Training — Construction personnel and staff shall be given training by a qualified archaeologist on the identification of possible archaeological and paleontological resources that may be present in the area. In the event potential archaeological or paleontological resources are encountered during excavation, work in the vicinity of the discovery shall halt until appropriate treatment of the resource is determined by a qualified archaeologist/ paleontologist in accordance with the provisions of CEQA Section 15064.5.</p> <p>CR-2 Reporting for Discovery of Human Remains — If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the</p> |
| Impacts | Mitigation Measures |
| | Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. |
| Noise | |
| Project construction equipment will (temporarily) substantially increase noise on adjacent residential properties above ambient conditions. | <p>N-1 Construction Hours - Construction shall be limited to:</p> <ul style="list-style-type: none"> • Weekdays: 7:00 AM to 9:00 PM • Saturdays: 8:00 AM to 6:00 PM • No construction shall occur on Sundays or national holidays. <p>N-2 Mufflers - Construction equipment, fixed and mobile, shall be equipped with properly operating and maintained noise mufflers and intake silencers, consistent with manufacturers' standards. Each piece of equipment will be individually inspected to ensure proper operation of the muffler and silencer equipment.</p> <p>N-3 Noise Control Plan - A Noise Control Plan shall be prepared prior to the start of construction, and implemented during the entire construction period. The Plan shall:</p> <ul style="list-style-type: none"> • Predict noise levels during construction activity based on the specific construction equipment to be used at the site. If equipment noise levels are not available, these shall be measured in the field. <p>Identify areas of the construction site where noise control is required to meet noise ordinance</p> |

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| | <p>standards. For these areas, identify the additional measures, which may include: specialized mufflers or silencers, directional exhaust pipes, damping and sound absorptive material, and/or acoustical barriers. Where relevant, the size, number and location of portable acoustical barriers and/or noise control curtains to be used during construction will be detailed. The height and length of the barriers shall be determined based on the location of the construction activity, specific construction equipment to be used (type and number) and distance to the receptors.</p> <ul style="list-style-type: none">• Predict noise levels during construction activity with use of specialized mufflers or silencers, directional exhaust pipes, damping and sound absorptive material, and/or acoustical barriers, as relevant. <p>Document the reduction in construction noise via monitoring. Noise monitoring shall be conducted a minimum of 1 day per week when construction is within 400 feet of a residence.</p> |
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| <p>Traffic and Transportation</p> <p>Construction workers commuting to the site and haul trucks for soil disposal will temporarily increase traffic on area roadways. No intersections will experience a level of service (LOS) worse than D</p> | <p>Mitigation included to further reduce less than significant effects:</p> <p>TR-1 Construction Traffic Management Plan — A construction traffic management plan shall be prepared and submitted to LADOT for review and approval prior to the start of construction activity. This plan may designate haul routes for construction-related trucks, the location of access to the construction site, and temporary traffic control devices or flagmen, as relevant.</p> <p>Where construction activities would occur within a public street right-of-way around the project site, the following mitigation measures shall also be implemented:</p> <p>TR-2 Traffic Control Plan — A site-specific construction traffic control plan shall be prepared and submitted to LADOT for review and approval prior to the start of any construction work. This plan may include the location of lane closures (if any), restricted hours during which lane closures (if any) would not be allowed, local traffic detours (if any), protective devices and traffic controls (such as barricades, cones, flagmen, lights, warning beacons, temporary traffic signals, warning signs) (as relevant), access limitations for abutting properties (if any), and provisions to maintain emergency access through construction work areas (as relevant).</p> <p>TR-3 Signage — Signage shall be provided indicating alternative pedestrian and bicycle access routes, if necessary where existing facilities would be affected. This would include the sidewalks and pedestrian pathways around the perimeter of the project site.</p> <p>TR-4 Advanced Notice — Advance notice shall be provided of planned construction activities to residents, businesses and property owners immediately adjacent to the construction site.</p> <p>TR-5 Emergency Access Coordination — Coordination shall be conducted with emergency service providers (police, fire, ambulance and paramedic services) to provide advance notice of ongoing construction activity and construction hours.</p> |
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BE IT FURTHER RESOLVED that this Board finds that implementation of these mitigation measures would lessen the environmental effects associated with cultural, noise and transportation/traffic resources to a level of less than significant. The temporary construction impacts associated with air quality would remain significant.

BE IT FURTHER RESOLVED that this Board acknowledges that pursuant to CEQA and the Guidelines adopted pursuant thereto, that before it may approve a project, which has potentially significant effects on the environment, it must first make certain findings and determinations. Accordingly, the Board determines that it first find whether there are specific economic, legal, social, technological, or other considerations which make infeasible further mitigation measures or project alternatives as identified in the Final EIR and further determine whether the benefits of the project outweigh such unavoidable temporary significant effects. Accordingly, the Board

herewith makes the following findings in support of a decision to approve the proposed project with temporary significant effects:

Implementation of mitigation measures AIR-1 through AIR-16 would reduce air pollutant emissions during project construction. All or most of the air pollutant emissions related to soil hauling would be avoided by use of a conveyor for soil disposal. However, emissions reductions that can be achieved with implementation of the other measures are not quantifiable and are not anticipated to reduce emissions of ROG, CO, and NO_x below levels of significance. Use of heavy construction equipment and vehicles is required in order to implement the project. Mitigation to reduce emissions (although not necessarily below levels of significance) would include EPA Tier 3 or higher emissions standards.

There are no additional feasible mitigation measures that would necessarily reduce air quality impacts to a level of less than significant due to limits of construction equipment technology and availability.

As compared with No Project, the proposed project with any of the identified soil disposal options is considered the environmentally superior alternative. No Project would not result in noise impacts on adjacent residences during construction, add traffic to area streets, or result in significant air pollutant emissions. However, all of the adverse impacts identified for the project are temporary and will be mitigated as feasible. No Project would not allow the capture of additional stormwater from the Tujunga and Pacoima Washes, would not recharge additional water to the San Fernando Groundwater Basin, and would not increase local water supplies.

Under No Project, environmental impacts (e.g., energy use, and related air pollutant emissions) could result from well pumping, and transport and treatment of additional imported water supplies. In the context of existing water shortages in the Los Angeles area, the long-term benefit of operation of the proposed project outweighs the short-term adverse impacts related to project construction. Therefore, the proposed project is the environmentally superior alternative.

The Boulevard Pit soil disposal location is closest to the TSG and therefore will require the least truck travel during project construction. With implementation of Mitigation Measure AIR-1, the majority of the truck trips analyzed in the traffic analysis would not occur and soil hauling by truck would be limited to soils that are not suitable for transport via conveyor belt. All of the soil disposal alternatives would have the same level of impact on noise on residences adjacent to the project site. The Boulevard Pit alternative would have slightly less mobile noise impacts. Overall, since the differences in the impacts associated with the alternative soil disposal locations are minimal, all of the alternatives are considered comparable in their level of environmental impact. Therefore, the proposed project with any of the soil disposal alternatives (or a combination of locations) is the environmentally superior alternative.

BE IT FURTHER RESOLVED that this Board finds, pursuant to the requirement that it adopt a Statement of Overriding Considerations to support approval of a project with significant effects on the environment, and that there are specific economic, legal, social, technological or other benefits of the proposed project which outweigh the temporary significant construction effects on air quality and therefore determines to approve the proposed project for the following reasons:

The proposed project would allow the capture of additional stormwater from the Tujunga and Pacoima Washes, would recharge additional water to the San Fernando Groundwater Basin, and would increase local water supplies.

In the context of existing water shortages in the Los Angeles area, the long-term benefit of operation of the proposed project outweighs the short-term adverse impacts related to project construction.

BE IT FURTHER RESOLVED that this Board certifies that the Final EIR has been prepared in compliance with CEQA, that it has reviewed and considered the information contained in the EIR, and that the EIR reflects the independent judgment and analysis of this Board.

BE IT FURTHER RESOLVED that this Board certifies the Final EIR, requires implementation of the mitigation measures, adopts the Mitigation Monitoring and Reporting Plan, approves the Tujunga Spreading Grounds Enhancement Project, authorizes its construction, and approves the payment for permit and mitigation costs associated with the project.

BE IT FURTHER RESOLVED that LADWP shall file a Notice of Determination with the Los Angeles County Clerk and the Los Angeles City Clerk within five working days after deciding to approve the project.

BE IT FURTHER RESOLVED that the Environmental Affairs Section will be the custodian of the record of proceedings for this project.

(A Verbal Motion was moved by Commissioner Holoman, seconded by Commissioner Moss, that this item be amended to add: ""That concerning the AIR-3 On-Road Truck Efficiency: Soil haul trucks shall meet EPA 2007 model year NOx emissions requirements. Material delivery trucks shall meet EPA 2007 model year NOx emissions requirements when feasible."")

ITEM NO. 28 – Resolution recommending approval of Memorandum of Agreement with the Los Angeles County Flood Control District for Tujunga Spreading Grounds Enhancement Project. The total cost is estimated at \$27,245,000 for a term of two years. Submitted by Senior Assistant General Manager – Water System.

RESOLUTION NO. 013 297

WHEREAS, the City of Los Angeles (City) possesses the right to the surface waters of the Los Angeles River and the native groundwater of the San Fernando Groundwater Basin (Basin) in accordance with the California Superior Court's Judgment dated January 26, 1979, in *The City of Los Angeles vs. City of San Fernando, et. al.*, Case No. 650079; and

WHEREAS, local groundwater has historically comprised approximately 12 percent of the City's water supply and is dependent on replenishment from storm water flows; and

WHEREAS, the Los Angeles Department of Water and Power (LADWP) desires to optimize the use of local water resources, including storm water and groundwater, to reduce the City's dependence on imported water supplies; and

WHEREAS, LADWP is committed to pursuing opportunities to maximize groundwater recharge to sustain and augment the long-term reliability of the City's groundwater supply in the Basin; and

WHEREAS, pursuant to the Los Angeles County Flood Control Act, the Los Angeles County Flood Control District (District) owns and manages flood control and water conservation facilities in the County of Los Angeles (County), resulting in the capture of stormwater flows which are then used to replenish groundwater basins in the County, including the Basin; and

WHEREAS, LADWP and the District are committed to pursuing opportunities to enhance water conservation, storm water capture, and improve water quality; and

WHEREAS, LADWP owns, and the District operates, the Tujunga Spreading Grounds, which were constructed for flood control, stormwater capture, and groundwater recharge in the Basin, and jointly developed the Tujunga Spreading Grounds Enhancement Project (Project); and

WHEREAS, this Memorandum of Agreement has a duration of six years after the date of execution, and the District currently estimates the total Project cost to be \$27,245,000 of which LADWP is financing 100 percent of the Project cost.

NOW, THEREFORE, BE IT RESOLVED, that the proposed Memorandum of Agreement between LADWP and the District for the Project, approved as to form and legality by the City Attorney and filed with the Secretary of the Board, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the President or Vice President of this Board, or the General Manager, or such person as he shall designate in writing as his designee, and the Secretary, Assistant Secretary, or the Acting Secretary of this Board are hereby authorized, empowered, and directed to execute said Memorandum of Agreement in its current form or substantially similar form containing no material changes for and on behalf of LADWP.

BE IT FURTHER RESOLVED, that the President or Vice President of this Board, or the General Manager, or such person as he shall designate in writing as his designee, and the Secretary, Assistant Secretary, or the Acting Secretary of this Board are hereby authorized and empowered to amend and modify this Memorandum of Agreement for and on behalf of LADWP, as necessary, for items of non-material or administrative nature that include no changes to either price or term of the Memorandum of Agreement.

BE IT FURTHER RESOLVED, that the Chief Accounting Employee of LADWP, upon proper certification, is authorized and directed to draw demands on the Water Revenue Fund of up to \$27,245,000 for the work proposed under this Agreement.

Seconded by Commissioner Moss and carried by the following vote:

Ayes, Commissioners Holoman, Moss, Noonan, President Sayles;

Noes, None.

President Thomas Sayles left for the day at 3:20 p.m.

Item No. 22 was held on desk until after Closed Session (For more information see Page No.)

ITEM NO. 23 – Resolution authorizing execution of Agreement No. 47184-3 for Marginal Cost Study and Rate Consulting Services. Award to PA Consulting Group, Inc. for a total amount not to exceed \$1,251,191 for a term of three years. Submitted by Chief Financial Officer.

RESOLUTION NO. 013 298

WHEREAS, Los Angeles Department of Water and Power (LADWP) proposes to enter into Agreement No. 47184-3 with PA Consulting Group, Inc. (PA) for Marginal Cost Study and Rate Consulting Services for a term of 3 years; and

WHEREAS, on January 30, 2013, the LADWP released a Request For Proposal (REP) No. 90110 seeking proposals from qualified firms/organizations for services that include marginal costs studies and rate consulting services; and

WHEREAS, LADWP evaluated, interviewed firms, contacted references and found PA Consulting Group, Inc. as the most qualified to provide the marginal cost studies and rate consulting services; and